

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed August 11, 2003. Claims 1-22 were pending in the Application. In the Office Action, Claims 1-22 were rejected. In order to expedite the prosecution of the present Application, Applicant amends Claims 1, 3-5, 7-10, 13-15, and 18-20, cancels Claim 21 without prejudice or disclaimer, and adds new Claims 23-40. Thus, Claims 1-20 and 22-40 remain pending in the Application. Applicant respectfully requests reconsideration and favorable action in this case.

In the Office Action, the following actions were taken or matters were raised:

SPECIFICATION OBJECTIONS

The Examiner objected to the title of the invention. Applicant respectfully submits that the current title of the invention complies with 37 C.F.R. § 1.72 such that the current title is short, specific, and clearly indicative of the invention to which the claims are directed. For example, independent Claim 1 recites a "method for detecting the border of recorded video data" which corresponds to the present title of a "System and Method for Detecting the Border of Recorded Video Data." The remaining claims of the present application are also directed toward recorded video data border detection. Therefore, Applicant respectfully requests that this rejection be withdrawn. If the Examiner maintains the specification title objection, Applicant respectfully invites the Examiner to suggest a title change as provided by M.P.E.P. § 606.01.

SECTION 102 REJECTIONS

Claims 1-4, 6-10 and 12-22 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,343,251 issued to Nafeh (hereinafter "Najeh"). Applicant respectfully traverses this rejection.

To anticipate a claim, each and every limitation must be found in a reference. In addition, "[t]he identical invention must be shown in as complete detail as is contained in the . . . claims" and "[t]he elements must be arranged as required by the claim." *Richardson v. Suzuki Motor Co.*, 9 USPQ 2d 1913, 1920 (Fed. Cir. 1989); *In re Bond*, 15 USPQ 2d 1566 (Fed. Cir. 1990); MPEP § 2131.

Independent Claim 1, as amended, is a method for detecting the border of recorded video data reciting the following:

analyzing a plurality of video frames, the plurality of video frames comprising recorded data content and unrecorded data content; and
identifying at least one frame of the unrecorded data content as a border of the recorded data content.

Applicant respectfully submits that *Nafeh* does not disclose or even suggest each and every limitation recited by amended Claim 1. For example, *Nafeh* does not disclose or even suggest “analyzing a plurality of video frames” where the video frames comprise “recorded data content and unrecorded data content” and “identifying at least one frame of the unrecorded data content as a border of the recorded data content” as recited by amended Claim 1.

Nafeh discloses a method and apparatus for discerning between a television program and commercials. (*Nafeh*, Title, Abstract, lines 1-3). *Nafeh* discloses a pre-processor for detecting changes in signals between program and commercial segments of a data stream. (*Nafeh*, column 3, lines 20-51). *Nafeh* also discloses that the commercial segments may be eliminated by controlling record, pause, fast-forward or other functions of a VCR or other device. (*Nafeh*, column 2, lines 50-68, column 3, lines 1-3). Thus, *Nafeh* does not disclose or even suggest “analyzing a plurality of video frames” where the video frames comprise “recorded data content and unrecorded data content” and “identifying at least one frame of the unrecorded data content as a border of the recorded data content” as recited by amended Claim 1. Therefore, Applicant respectfully submits that *Nafeh* does not anticipate amended Claim 1.

Claims 2-4 and 6-8 that depend from independent Claim 1 are also not anticipated by *Nafeh* because they incorporate the limitations of Claim 1 and add additional elements that further distinguish *Nafeh*. Therefore, Applicant respectfully requests that the rejection of Claims 2-4 and 6-8 be withdrawn.

Independent Claim 9, as amended, recites “a border detection module . . . operable to receive a plurality of video frames” where the video frames comprise “recorded data content and unrecorded data content,” and where the border detection module analyzes the video frames and identifies “at least one frame of the unrecorded data content as a border of the recorded data content.” Independent Claim 15, as amended, recites “logic residing on [a border detection] module . . . operable to receive a plurality of video frames” where the video frames comprise “recorded data content and unrecorded data content,” and where the logic is operable to analyze the video frames to “identify at least one frame of the unrecorded data content as a border of the recorded data content.” As discussed above in connection with independent Claim 1, *Nafeh* discloses a method and apparatus for discerning between a television program and commercials, and *Nafeh* does not disclose or even suggest analyzing video data to identify “recorded data content” and “unrecorded data content” and “identify at least one frame of the unrecorded data content as a border of the recorded data content” as recited by amended Claims 9 and 15. Therefore, Applicant respectfully submits that *Nafeh* does not anticipate amended Claims 9 and 15.

Claims 10, 12-14, 16-20 and 22 that depend from independent Claims 9 and 15, respectfully, are also not anticipated by *Nafeh* because they incorporate the limitations of Claims 9 and 15, respectfully, and add additional elements that further distinguish *Nafeh*. Therefore, Applicant respectfully requests that the rejection of Claims 10, 12-14, 16-20 and 22 be withdrawn.

SECTION 103 REJECTIONS

The Examiner rejected Claims 5 and 11 under 35 U.S.C. §103(a) as being unpatentable in view of *Nafeh*. Applicant respectfully traverses this rejection.

Claim 5 depends from independent Claim 1, and Claim 11 depends from independent Claim 9. As discussed above, independent Claims 1 and 9 are allowable over the cited references. Therefore, Claims 5 and 11 that depend from independent Claims 1 and 9, respectfully, are also allowable, and Applicant respectfully requests that this rejection be withdrawn.

NEW CLAIMS

Applicant adds new Claims 23-40. Each independent Claim 23, 29, and 36 (and corresponding dependent claims) recites numerous recitations that *Nafeh* does not disclose, teach or suggest. Therefore, new Claims 23-40 are in condition for allowance, and Applicant respectfully requests allowance of new Claims 23-40.

CONCLUSION

Applicant has made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons and for other reasons clearly apparent, Applicant respectfully requests reconsideration and full allowance of all pending claims.

With the presentation of new Claims 23-40, an excess independent claim fee of \$252.00 pursuant to 37 C.F.R. § 1.16(b) is believed due, and an excess claim fee of \$306.00 pursuant to 37 C.F.R. § 1.16(c) is believed due. The Commissioner is hereby authorized to charge \$558.00 to Deposit Account No. 08-2025 of Hewlett-Packard Company to cover the excess claim fees. If, however, Applicant has miscalculated the fee due with this Response, the Commissioner is hereby authorized to charge any fees or credit any overpayment associated with this Response to Deposit Account No. 08-2025 of Hewlett-Packard Company.

Respectfully submitted,

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